

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.104 OF 2005

Mr.R.Subramanyam ..Petitioner

Vs.

Jitendra Mohanlal Gandhi ..Respondents

...
Mr.Ramadasan K.V. Advocate for Petitioner
Ms.S.V.Gajare A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : JUNE 22, 2005

P.C.

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner is seeking quashing of proceedings relating to Case No.309 of 2003. In the said case, process under Section 420 r.w. 34 of IPC was issued by the learned Judicial Magistrate, Pune. If the process issued against

the petitioner is set aside, the proceedings in respect of the petitioner would come to an end. The learned advocate for the petitioner submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside.

3. For the reasons recorded in my order dated 8th June, 2005 in Cri.Application No. 645 of 2005 and order dated 13th June, 2005 in W.P.No. 213 of 2005, in my view, it is clear that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court,

the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ petition is disposed of.

[V.K.TAHILRAMANI, J.]